

REMARKS

After entry of this Amendment, the pending claims are claims 1, 3, 5, 7-15, 17-20, 25-27 and 33 of which claims 1 and 33 are in independent form. Applicant would first like to thank the Examiner for indicating that claims 1, 3, 5, 7-13, 17-20 and 33 are allowable. Claim 14 and 25-27 have been amended. Claims 21-24 and 28-32 have been previously canceled. Claims 2, 4, 6 and 16 have been previously withdrawn. Reconsideration is respectfully requested.

Claim Objections

Claims 25-27 were objected to because the preamble of claim 1 set forth a fixation device and claim 25-27 set forth a device. Applicant has amended claims 25-27 to recite a "fixation device." Accordingly, Applicant respectfully requests that the objection to claims 25-27 be withdrawn.

Rejection Under 35 U.S.C. §112

Claims 14 and 15 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. According to the Examiner, the term "the bone cage" lacked antecedent basis. Accordingly, Applicant has amended claim 14 to remove the term "bone." The term "the cage" derives antecedent basis from claim 3, from which claims 14 and 15 depend. Therefore, Applicant respectfully request that the rejection of claims 14 and 15 under 35 U.S.C. §112 be withdrawn.

Withdrawn Claims

Claims 2, 4, 6 and 16 were previously withdrawn. Allowed independent claim 1 is generic to Species A, B, C and D as identified in the Restriction Requirement of September 18, 2002. Claims 2, 4, 6 and 16 are dependent upon generic claim 1 and further define Applicant's invention. Therefore, Applicant respectfully requests that the withdrawn claims

2, 4, 6 and 16 be reinstated in the application and be held allowable for the same reasons as claim 1.

Claim 33

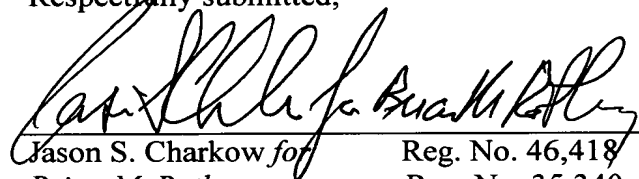
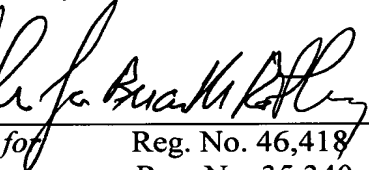
Claims 33 is readable on the elected Species B.

In light of Applicant's amendments and remarks, a notice of allowance is respectfully requested. Should the Examiner have any questions or concerns regarding the amendments, remarks or the above-identified application, then a telephonic interview with the undersigned is respectfully requested to discuss any such questions or concerns and to accelerate the allowance of the above-identified application.

No fee is believed due for this submission. However, should any fee be required, please charge all such fees to Jones Day Deposit Account No. 50-3013.

Respectfully submitted,

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